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EXTENDED MEDICAL ABSENCES

One of the thorniest problems confronting supervisors is dealing with extended medical absences of subordinate employees. For example, your employee, Jan, has been on sick leave for the past ten workdays and has provided a SF-71 signed by her physician. On the day she is due to return to work, Jan provides you with a new note from the doctor and a sick leave request, indicated she needs another three months leave to recuperate.

How will you plan for the accomplishment of her work? Is Jan really sick? Will she really return in three months, or will she then request an extension of her absence? What right do you have to be informed of her medical status during her absence? Are there any alternatives that might bring her back sooner, or allow her to perform other duties during this time period? Do you have to approve the absence since Jan has a SF-71 signed by her physician?

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QUIZ TIME

Mediation is a process sometimes used to help resolve disputes between opposing parties. To test your knowledge of the mediation process, identify which of the following statements are true:

A. Mediation is the process by which the union and management "hammer out" a collective bargaining agreement.

B. Mediation always results in a decision which is legally binding on both parties.

C. Mediation is a form of dispute resolution in which the disputing parties attempt to reach agreement on a matter of dispute through the use of a third party facilitator

D. Mediation is a form of dispute resolution in which the disputing parties hire a third party to render a final and binding decision on a matter under dispute.

E. Mediation is the method of dispute resolution demonstrated by Gary Cooper in "High Noon."

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EXTENDED MEDICAL ABSENCES

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Don't run for the hills yet. These are all good questions that may cross your mind in attempting to deal with this situation.

Fortunately, there are some tools available to assist you in dealing with these situations. One of the most important is your HR Advisor. Believe it or not, you're not the first supervisor in the federal government to run into this dilemma. Your advisor has been through this before with other supervisors and can advise you on other tools available to you.

One of the first questions you'll probably be asked is "Are you requiring that Jan comply with the notification and documentation requirements in the collective bargaining agreement?" If the answer is no, one of the first things your advisor will do is assist you in holding her accountable for compliance with the applicable provisions contained in the Agreement.

The second question you'll probably be asked is "How much accrued sick leave does Jan have?" Sick leave is different from other types of leave because it is an employee entitlement, protected by law. The law requires that you approve sick leave for an employee incapacitated for duty provided the employee has sufficient sick leave to cover the absence. But unless the employee has requested leave under the Family and Medical Leave Act, you are not obligated to approve annual leave or leave without pay for medical absences.

Further, the law only requires that you approve sick leave if the employee provides you with administratively acceptable evidence of their incapacitation. A physician's signature on the back of a SF-71 may be acceptable for short-term absences. But when confronted with extended absences, such generally does not provide you with sufficient information you need to make an

informed management decision. You have the right to require Jan to provide you with additional information from her physician such as the nature and seriousness of the illness, course of treatment, physical limitations, and a real idea of when Jan may be expected to return to full duty.

Sick leave administration has become more complicated with the enactment of the Family Medical Leave Act (FMLA), the Federal Employee Family Friendly Leave Act (FEFFLA), and Sick Leave for Family Care. You could go crazy just memorizing the acronyms. If you have someone asking for an extended medical absence due to a family member, you should be talking to your HRO Advisor. Don't try to navigate these perilous waters without an HRO pilot to guide you.

Armed with this information, you can now deal with the issues surrounding how you're going to get Jan's work done. Knowing now what Jan's physical limitations are, maybe you can temporarily restructure her job to allow her to work either part-time or full-time during her period of recuperation. Or maybe Jan can swap jobs temporarily with another employee whose job is within Jan's physical limitation. Or maybe Jan can't work at all and you'll have to hire a temporary replacement, or worse yet, have to accomplish her work within your existing resources.

As you can probably see by now, dealing with requests for extended sick leave in a manner that is in the interests of both the employee and the employer can be tricky business. But the sooner you get the information you need to make an informed management decision, the better off you'll be. Your boss is still expecting you to ensure your work unit's responsibilities are accomplished timely. And if your boss is like most bosses I know, I suspect he or she is going to expect you to solve the problems stemming from your employees' absences. Attempting to kick those problems "upstairs" in my experience, is generally met with disdain by those on the next floor, who seem to believe they have enough of

their own problems to solve. Your boss would probably say, "That's why the Navy's paying you all those big bucks."

Give your HRO advisor a call early in the process. They may be more sympathetic to your plight than your boss and maybe more helpful too!



Looking for your HRO?

Find them online at

www.bangor.navy.mil/subbase/hro/general/index.html

MEDIATION

CAN IT HELP?

Remember Gary Cooper in the middle of Main Street at high noon, six-guns a'blazing? He was engaged in a form of dispute resolution and his method resulted in a final and binding decision

However, his process was not the process known as mediation. Accordingly if you answered E on today's quiz, this article is intended for you!

Mediation is a form of dispute resolution that is nonadversarial in nature. It seeks not to declare winners or losers, but instead to find reconciliation between the disputing parties.

A trained mediator facilitates the process. The mediator does not act as judge or jury, but instead facilitates the two parties in their attempts to reach resolution.

The focus of mediation is on how the parties can deal with the future rather than dwelling on the past. The emphasis is not on finding fault, but instead on establishing a new working relationship more conducive to the attainment of personal and team goals.

To have any chance for mediation to succeed, the parties must be willing to approach the meeting

with an open mind, ready to explore alternatives to arrive at a mutually acceptable resolution. The parties must recognize that some compromise may be necessary.

Typically, the process works like this:

1. The mediator will hold a confidential session with the parties. Each party will be asked to present their side of the dispute without interruption by the other party.
2. The mediator will guide the parties through a structured problem solving process.
3. If the parties become stuck, the mediator may meet (caucus) with each side separately to see if there is some common ground upon which resolution may be based.
4. The mediator will then bring the parties back together to see if an agreement can be reached and may caucus again individually if there is a need to further refine the compromise to which each is willing to agree.
5. If agreement is reached, it will be reduced to writing by the mediator and given to the parties for signature.

All meetings are confidential and not recorded. Further any concessions by either party during these meetings are not binding on either party unless a final agreement is reached.

Mediation is not new. It has been used extensively as a means of resolving collective bargaining impasses. The Federal Mediation and Conciliation Service (FMCS) has been using the process for years in both the private and federal sectors.

The process has been successfully adapted in later years to other types of disputes including family member disputes and supervisor/employee disputes.

Trained mediators are available from FMCS, the Disputes Resolution Center of Kitsap County, the

DoD Office of Complaint Investigations and the Human Resources Office. Contact your HR Advisor for further information.

In today's quiz, C is the correct answer. The process described in D is called arbitration and the process in A is called collective bargaining or negotiations.

Got Ideas? You can contact us at nwlabor_nw@nw.hroc.navy.mil. We would enjoy hearing your ideas for our newsletter.



BONE MARROW OR ORGAN DONOR

An employee is entitled to seven (7) days of paid leave each calendar year to serve as a bone marrow or organ donor.

When used, this entitlement needs to be recorded in the time and attendance systems the same way other types of excused absences (e.g., blood donation) are recorded. Although this absence is being administratively recorded as excused absences, as a supervisor you should understand that you have no discretion to deny such requests. This is a statutory right of an employee

Medical procedures and recuperation depend on the circumstances of each case. In many situations the excused absence will not cover the entire absence. However, the employee can use other forms of leave such as sick leave, annual leave, leave without pay, advanced leave, or donated leave.



IT'S NOT IN MY PD!

"It's not in my position description," says your employee John. "I'm not doing it!"

As a supervisor or manager, you have the right to assign work to your subordinate employees. Essentially, that right is unfettered. You have the right to assign tasks to employees whether or not such tasks are included in the employee's position description.

Can an employee refuse to carry out a task which you have assigned? Of course, but they do so at their own peril. There are very few situations in which an employee may refuse a work assignment without risk of an ensuing disciplinary action. That the task is "not in my PD" is certainly not one of those situations.

One word of caution: Be careful if you decide to assign higher level duties. In doing so, you may be subjecting the command to a liability. Many Union Agreements have a clause which requires paying employees when you assign them to higher duties for a period of time.

TRAINING OPPORTUNITIES

A complete list of training offered by HRSC can be found at

www.donhr.navy.mil/Employees/training.asp

THIS NEWSLETTER IS INTENDED TO PROVIDE GENERAL INFORMATION ABOUT THE MATTERS DISCUSSED. THEY ARE NOT LEGAL ADVICE OR LEGAL OPINIONS ON ANY SPECIFIC MATTERS. FOR FURTHER INFORMATION REFER TO YOUR HUMAN RESOURCES ADVISOR.

Past issues are available online at

www.bangor.navy.mil/subase/hro/HRSC/News.htm